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Notice of Allowability

Application No.

09/626,437

Examiner

Arrienne M. Lezak

Applicant(s)

PIETROWICZ, STANLEY

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 July 2005.
2. ☒ The allowed claim(s) is/are 1-7, 9, 10, 12, 15, 17-20, 25-27, 29-31, 35-45, 49, 50 *all*
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/21/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

David Wiley
DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William A. Schonenman, Attorney for Applicant on Tuesday September 20, 2005.

The application has been amended as follows:

Claim 1:

(Please delete from line 5) – node, "and" wherein—

(Please insert at line 5) –service application, and without establishing a call, said method comprising—

(Please insert at line 12) –(TCAP) message, without said originating and terminating nodes examining the data or requiring knowledge of the data;—

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Claim 29:

(Please insert at line 3) –the node does not examine and has no embedded knowledge—

Claim 31:

(Please insert at line 3) –the node does not examine and has no embedded knowledge—

Claim 35:

(Please insert at line 8) –subscriber device, without said switch examining the data or having knowledge of the data;—

Claim 43:

(Please insert at line 4) –the node does not examine and has no embedded knowledge—

Claim 44:

(Please delete from line 1) – node “that includes” a system—

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(Please insert at line 1) –node within a system—

(Please delete from line 2) – wherein the “system” comprises—

(Please insert at line 1) –wherein the node comprises—

(Please insert at line 5) –subscriber devices without establishing a call according to—

(Please delete from line 6) – instructions “and” without—

(Please insert at line 6) –data format ,and without examining the data.—

Claim 46:

Cancelled

Claim 47:

Cancelled

Claim 49:

(Please insert at line 6) –data without the PSTN examining the data or having embedded knowledge of the data.—

Allowable Subject Matter

The following is an examiner’s statement of reasons for allowance:

After extensive searching and analysis of the best prior art in light of Applicant’s claimed invention, Examiner finds that both Kay ’571 and Willis ’647 require the establishment of a call. Specifically, Kay teaches a calling station sending data to a

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called station through trunk circuits, which indicates the transfer is the result of establishing a call. Additionally, Willis fails to teach any elements, which are PSTN-based nodes.

Moreover, neither Kay '571 nor Willis '647 teach the creation of a request message that includes both data concerning subscriber messages and delivery instructions instructing a switch on how to deliver such data to a subscriber device, or that such a message is delivered to a PSTN based node from an element that interfaces the PSTN. Though Kay teaches a "service request", Examiner is persuaded that said service request is simply an off-hook indication and not data delivery instructions created by a calling station, as part of a single request message that also includes data from the calling station, conveyed with data to a terminating switch and subsequently used by this terminating switch to deliver data to a called station, as claimed by Applicant.

Examiner acknowledges Application 10/913,572, but distinguishes the same as requiring the establishment of a voice path, (call connection), and additionally does not utilize TCAP for a PSTN multicast.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

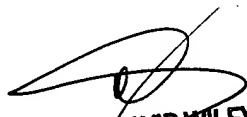
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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